

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	CASE NO. 14-08190 ESL
	*	
EVELIO DROZ RAMOS	*	CHAPTER 13
AUREA ESTHER FRANCO DE DIAZ	*	
	*	
DEBTORS	*	

**DEBTORS' OBJECTION TO CLAIMS NO. 7-1 & 8-1
FILED BY JOSE ISRAEL DROZ ALVARADO**

TO THE HONORABLE COURT:

COME NOW, **EVELIO DROZ RAMOS** and **AUREA ESTHER FRANCO DE DIAZ**, debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. That Jose Israel Droz Alvarado ("Droz Alvarado") filed proof of claim 7-1 as an unsecured creditor, claiming the sum of \$18,750.00, in the above captioned case.

2. That the basis of Droz Alvarado's claim #7-1 is "*25% - Hereditary CD and Saving Account Balance*".

3. That Droz Alvarado also filed proof of claim #8-1 as an unsecured creditor, claiming the sum of \$1,705.00, in the above captioned case.

4. That the basis of Droz Alvarado's claim #8-1 is "*25% of Hereditary Saving Account Balance*".

5. That Droz Alvarado's claims #7-1 and #8-1 are hereby objected on the following grounds:

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- a. that claims #7-1 & #8-1 filed by Droz Alvarado are based on this creditor's allegations that the hereditary estate of Eda Eligia Droz Colon, composed by debtor (75%) and Droz Alvarado (25%), included a \$75,000 certificate of deposit (CD) and a "savings account" with an alleged balance of \$6,821.35, which 25% of said CD and deposit account, is owed by the debtor;
- b. that the aforementioned allegations, on which claims #7-1 & #8-1 are based, were litigated at the State Court level in civil case no. B3CI201300265, *Liquidation of Hereditary Estate*, First Instance Court of Puerto Rico, Comerio Superior Court;
- c. that the on April 6, 2015, the Comerio Superior Court, Honorable Judge Jose A. Alicea Rivera, issued a *Judgment*, whereby the above stated allegations made by Droz Alvarado were denied;
- d. that pursuant to said *Judgment*, the Comerio Superior Court held that a real property located at Barranquitas, Puerto Rico, was the only property pertaining to the hereditary estate of Ada Eligia Droz Colon, as declared in her last will or "*testamento*";
- e. that the above stated *Judgment*, is final and unappealable;
- f. therefore, claims no. 7-1 and 8-1, should be reduced to **\$0.00, deleted and disallowed.**

WHEREFORE, debtors respectfully request this motion be granted, and that Droz Alvarado's proof of claims **no. 7-1 and 8-1 be reduced to \$0.00, deleted and disallowed.**

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NOTICE PURSUANT TO LOCAL RULE 3007-1 (c):

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 900(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the may – in its discretion – schedule a hearing. Local Rule 3007-1 (c).

I **CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of such to Jose R Carrion Morales, Esq. Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., Assistant US Trustee; a copy of this Objection was sent via regular US Mail to Jose Israel Droz Alvarado, 151 Cesar Gonzalez Street Plaza Antillana Apt 3403 San Juan Puerto Rico 00918; I also certify that a copy of this motion was sent via electronic mail to: Jose Israel Droz Alvarado: DROZJI@YAHOO.COM; and via regular US Mail to the debtors: Evelio Droz Ramos and Aurea Esther Franco PO Box 3652 Bayamon PR 00958.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 11th day of August, 2015.

/s/Roberto Figueroa Carrasquillo
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